

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 01-017

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF BENICIA
SOLANO COUNTY**

This Complaint to assess mandatory minimum penalties pursuant to California Water Code section 13385 is issued to the City of Benicia (hereinafter the discharger) based on a finding of violations of Waste Discharger Requirements Order No. 94-094 (NPDES No. CA0038091).

The Executive Officer finds the following:

1. On August 17, 1994, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 94-094 for the discharger to regulate discharges of waste from their treatment plant.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code section 13385(i)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six month period.

Order No. 94-094 includes the following effluent limitations:

"1. The effluent shall not exceed the following limits:

Constituent	Units	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum
Chlorine Residual ¹	mg/L	--	--	--	0.0

¹ Requirement defined as below the limit of detection in standard test methods.

3. Total Coliform Bacteria:

The treated wastewater, at some point in the treatment process prior to discharge, shall meet the following limits of bacteriological quality:

- a. The moving median value for the Most Probable Number (MPN) of total coliform bacteria in any five (5) consecutive samples shall not exceed 240 MPN/100 mL; and
- b. Any single sample shall not exceed 10,000 MPN/100 mL."

4. According to monitoring reports received, there was one chlorine residual violation on October 6, and three total coliform daily maximum violations on July 21, September 25, and October 26, 2000.
5. The total amount of the mandatory minimum penalty for these violations is \$9,000.

THE CITY OF BENICIA IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the discharger be assessed a mandatory minimum penalty in the amount of \$9,000.
2. A hearing shall be held by the Regional Board on March 21, 2001, unless the discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$9,000 in full.
3. The discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory minimum penalty to the Regional Board's office at the letterhead address.

Loretta K. Barsamian

Loretta K. Barsamian
Executive Officer

2-9-01

Date

WAIVER

- ☐ By checking this box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-017, and to remit payment for the civil liability imposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the mandatory minimum penalty imposed within 60 days after this Complaint is signed by the Executive Officer.

Name (print)

Signature

Date

Title/Organization